IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 1732 of 1999

Between:

M.Bhagyalakshmi,
W/o.Siva Shankar Reddy,
Hindu, aged 26 years, R/o.A.Nagireddypalli,
Anantapur Mandal and District.

.....
PETITIONER

AND

1. The Revenue Divisional Officer,
   Anantapur, Anantapur District.

2. The Mandal Revenue Officer,
   Anantapur, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.2

in not issuing the allotment order in pursuance of the orders made in Rc.No.CS/1565/98 dated 25-11-98 passed by the 1st respondent as illegal, arbitrary, derliction of duties and in violation of principles of natural justice and consequently direct the 2nd respondent to issue allotment order to the petitioner forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.GANDURI NAGESWARA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court Made the Following :

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ORDER:

The authorization granted in favour of the fair price shop dealer, namely, P.Kesava Reddy of A.Nagireddipalli village in Ananthapur Mandal has been cancelled by the Revenue Divisional Officer, Ananthapur vide proceedings in D.Dis.No.D1/CS/2156/97 dated 26-10-97 for certain irregularities committed by him in distribution of Essential Commidities to the ration card holders under P.D.System. Aggrieved by the same he filed an appeal before the Joint Collector, Ananthapur, and the same is pending. Pending appeal he filed Writ petition No.10508/98 which was disposed of with a direction that the appeal filed by the petitioner on 04-11-1997 against the orders of the Revenue Divisional Officer, Ananthapur dated 26-10-1997 shall be considered and disposed of within a period of four weeks. Meanwhile, temporary arrangements were made appointing Smt.Y.Sailaja, as F.P.Shop dealer on

temporary basis for a period of six months by proceedings D.Dis.No.D1/CS/48/98 dated 08-01-1998. After expiry of the period of six months petitioner herein was appointed as fair price shop dealer on temporary basis on 21-11-1998. Since, several objections have been received from the villagers against the appointment of the petitioner the essential commodities were not supplied to her for distribution to the card holders which gives cause of action for filing the present writ petition.

This Court while admitting the writ petition directed the respondents to issue allotment order to the petitioner to run the fair price shop.

Heard the counsel for the petitioner and also learned Government Pleader for Civil Supplies. It is not in dispute that the appointment itself is temporary for a period of six months or outcome of the result of the appeal or till permanent dealer is appointed.

Having regard to the said fact the petitioner will not have any right to continue on expiry of six months or on disposal of the appeal or permanent dealer is appointed or any permanent arrangment is made by the respondents. In view of the same respondents are at liberty to proceed further or to take such of the steps on disposal of the appeal either to restore the authorization to the permanent fair shop dealer if the appeal is allowed or can make permanent arrangements for appointment of a fair price shop dealer. The petitioner is at liberty to make a representation for receiving essential commodities till such

arrangement is made.

The writ petition is accordingly dismissed. No costs.

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05-07-2004

VS / Murthy

To

1. The Revenue Divisional Officer,
   Anantapur, Anantapur District.

2. The Mandal Revenue Officer,
   Anantapur, Anantapur District.

3. Two CCs to the G.P. for Civil Supplies, High Court Buildings,Hyderabad(O.U.T).

4. Two CD copies.

5. One spare copy.

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 1732 of 1999

Dated: 05-07-2004